

POSSIBLE CHANGES TO REGULATION PENALTY SYSTEM — Recreational

What is being considered?

Based on the results of the Sport Fisheries Advisory Commission/Tidal Fisheries Advisory Commission Penalty Workgroup held on June 25, 2019, the department is considering adding penalties to the recreational penalty system for certain fishing violations. Of the topics discussed, the workgroup recommended adding a 1 year suspension for a second or subsequent closed oyster area offense by a recreational harvester, a 90 day suspension for a recreational oyster harvest time violation, and a 1 year suspension for a recreational angler who has reduced a snakehead to personal possession and not killed it.

Why is this change necessary?

The suspension for a second or subsequent closed oyster area offense by a recreational harvester is based on concern both for the oyster population and public health. Because certain oyster areas may be closed by public notice, the workgroup recommended the suspension be for a second or subsequent offense, to target knowing, repeat offenders. The suspension for a recreational oyster harvest time violation was recommended for consistency with harvest time violations for crabs. The suspension for a recreational angler who has reduced a snakehead to personal possession and not killed it was recommended to limit the spread of invasive species whose live possession is prohibited on both the state and federal level.

Who will this affect?

Recreational anglers and recreational oyster harvesters.

When will this be effective?

The department expects this change to be effective in the spring of 2020, however the exact date cannot be determined. The department will follow our normal scoping and proposal procedures.

This idea is in the scoping process (October 25—November 10). During the scoping process, the Department gathers suggestions and ideas from stakeholders and others about how to solve a fishery problem or address a need. The goal of scoping is to identify issues, potential impacts, and reasonable alternatives associated with the issues so that management actions can be developed. After the public has had an opportunity to comment on possible management actions during the scoping process, the department considers these comments and develops an appropriate management strategy.

If the action is necessary and appropriate, the rules will be promulgated following the Administrative Procedures Act described in Title 10, Subtitle 1 of the State Government Article Annotated Code of Maryland.

- The General Assembly's Administrative, Executive, and Legislative Review Committee reviews the regulatory proposal for fiscal and legal analysis.
- The proposal is printed by the Division of State Documents in the Maryland Register.
- A 30 day public comment period begins on the day of publication.
- After review of the comments, the Department may adopt the changes.

- If the department adopts the changes, they become effective after a notice is published in the Maryland Register that announces approval and the effective date.

Has this change been discussed with advisory commissions?

These changes were recommended by the Sport Fisheries Advisory Commission/Tidal Fisheries Advisory Commission Join Penalty Workgroup. The Sport Fisheries Advisory Commission and the Tidal Fisheries Advisory Commission discussed the recommendations at their July 2019 meetings and had no additional suggestions.